



# HAWAII STATE ETHICS COMMISSION

State of Hawaii • Bishop Square, 1001 Bishop Street, ASB Tower 970 • Honolulu, Hawaii 96813

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## NEWS RELEASE

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For Additional Information

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The Hawaii State Ethics Commission is reminding all state officials and employees about campaign activities that violate the State Ethics Code. The Commission has published a flyer entitled "Campaign Restrictions for State Officials and State Employees." The flyer discusses restrictions on campaign activities. The restrictions are applicable to all state legislators, state officials (with the exception of state justices and judges, over whom the State Ethics Commission does not have jurisdiction), state employees, and state board and commission members. These restrictions are based on the State Ethics Code, set forth in Chapter 84 of the Hawaii Revised Statutes. The Commission is distributing this flyer during this election year to remind state officials and employees of the campaign activities that violate our State's ethics laws. The campaign restrictions flyer can also be found on the State Ethics Commission's Web site at [www.hawaii.gov/ethics](http://www.hawaii.gov/ethics).

Each election year, the Hawaii State Ethics Commission receives numerous complaints about the unlawful use of state resources for campaign-related activities. To prevent violations of the State's ethics laws, the Commission has distributed over

60,000 copies of the campaign restrictions flyer to state agencies and departments on Oahu and all neighbor islands, as well as to individual state legislators and state officials, and candidates for state elective office. The Commission has requested that all state officials and employees be encouraged to review the campaign restrictions flyer and be familiar with the restrictions set forth in the flyer.

The Commission hopes that its flyer will answer most questions that state officials and employees may have about the State Ethics Code as applied to campaign activities. Individuals with additional questions or concerns are encouraged to contact the Commission's office at 587-0460.

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Encl: Hawaii State Ethics Commission flyer entitled "Campaign Restrictions for State Officials and State Employees"



## HAWAII STATE ETHICS COMMISSION

# CAMPAIGN RESTRICTIONS FOR STATE OFFICIALS AND STATE EMPLOYEES (Chapter 84, Hawaii Revised Statutes)

**INTRODUCTION:** The following restrictions on campaign activities are based on section 84-13, Hawaii Revised Statutes (HRS), entitled the "Fair Treatment" section of the State Ethics Code. In general, section 84-13 prohibits the preferential use of state resources or incidents of state office. Examples of campaign activities, described below, that violate or may violate the ethics code are for illustration only and are not meant to be all-inclusive.

**STATE OFFICIALS AND EMPLOYEES WHO MUST COMPLY WITH THE RESTRICTIONS:** All state officials, state employees, state legislators, and state board and commission members. State justices and judges are not subject to the jurisdiction of the State Ethics Commission, but are subject to the Commission on Judicial Conduct.

### CAMPAIGN RESTRICTIONS

#### THE FOLLOWING ACTIVITIES BY STATE OFFICIALS AND STATE EMPLOYEES VIOLATE THE STATE ETHICS CODE:

1. **Using state time, equipment, supplies, or state premises for campaign activities or campaign purposes.**

**State time** means the actual time during which a state official or employee, etc., is supposed to be performing his or her state duties. State time thus excludes lunch time, break time, vacation time, and so forth.

**State equipment** includes, for example, copy machines, fax machines, telephones, typewriters, computers, and vehicles such as trucks and cars.

**State supplies** include stationery, paper, stamps, and other office supplies.

**State premises** include state offices, conference rooms, working areas, and so forth. State premises or facilities that are available to the public for use (e.g., for holding meetings or conducting business) may also be used for campaign activities on the same basis as the facilities are available to the public.

**Campaign activities or campaign purposes** include: (a) selling, purchasing, or distributing campaign fundraiser tickets, including complimentary tickets; (b) conducting campaign meetings; (c) distributing campaign literature or materials; (d) soliciting campaign assistance or support; or (e) producing campaign literature or materials or storing such materials.

2. **Using state personnel during state time for the purpose of performing campaign tasks or activities.**
3. **Using the state mail or messenger service for campaign purposes.**
4. **Using state computers or e-mail accounts for campaign purposes.**
5. **Soliciting campaign contributions or campaign assistance by sending letters addressed to state officials or employees at their state offices.**
6. **Using one's state position to give unwarranted advantages or preferential treatment to campaigns.** In particular, the State Ethics Code prohibits state officials, employees, legislators, and board and commission members from using their official positions to coerce anyone into contributing money to a campaign or into assisting a campaign. State officials, employees, legislators, and board and commission members should also avoid combining official business with soliciting campaign contributions or soliciting other campaign assistance.
7. **Selling fundraiser tickets to, or soliciting the purchase of fundraiser tickets from, subordinates or businesses or persons supervised or inspected.**
8. **Candidates walking through state agencies for campaign purposes.** The State Ethics Commission believes that the State Ethics Code prohibits candidates from being allowed to walk through state agencies to meet with state employees for campaign purposes.

**STATE SEAL:** The state seal may not be used by a state official or employee in conjunction with campaigning if such use gives the state official or employee or another any unwarranted advantage or preferential treatment in violation of section 84-13, HRS. Because use of the state seal on campaign stationery or on other campaign literature, materials, or advertisements by state officials or employees may result in a violation of section 84-13, HRS, state officials and employees are advised to contact the State Ethics Commission for advice before using the state seal on campaign materials. Anyone using the state seal in conjunction with a campaign may also wish to contact the Office of the Attorney General regarding the application of section 5-6, HRS.

**PENALTIES FOR VIOLATION OF THE STATE ETHICS CODE:** Disciplinary action such as reprimand, probation, demotion, suspension, or discharge. Any favorable state action is voidable, and the Attorney General may pursue all legal and equitable remedies.

**FURTHER INFORMATION/COMPLAINTS:** Anyone in need of further information or who wishes to report an apparent violation of the State Ethics Code may call the State Ethics Commission at 587-0460.

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Visit our website at <http://www.hawaii.gov/ethics>